



Chatham County Planning Board Minutes December 1, 2020

The Chatham County Planning Board met in regular session on the above date as a remote meeting due to the current health restrictions for the COVID-19 virus. Members present via GoTo Webinar meeting were as follows:

Present

George Lucier, Chair	Caroline Siverson, Vice-Chair
Jon Spoon	Jamie Hager
Clyde Frazier	Emily Moose
Bill Arthur	Gene Galin
Cecil Wilson	

Absent

Allison Weakley
Franklin Gomez Flores

Planning Department

Jason Sullivan, Planning Director, Kimberly Tyson, Subdivision Administrator, Angela Plummer, Zoning Administrator, Janie Phelps, Zoning Official, Hunter Glenn, Planner I, Chance Mullis, Planner I, and Daniel Garrett, Clerk to the Planning Board.

I. CALL TO ORDER:

Chair Lucier called the meeting to order at 6:30 p.m.

II. VIRTUAL MEETING GUIDELINES:

Mr. Sullivan gave an overview of the virtual meeting guidelines provided by PowerPoint.

III. DETERMINATION OF QUORUM:

Chair Lucier stated there is a quorum, 9 members present., Ms. Weakley and Mr. Gomez Flores were absent.

IV. APPROVAL OF AGENDA:

Approval of the Agenda - Chair Lucier asked the board members if there were any issues with the Agenda. There were no objections, and the agenda was approved.

V. APPROVAL OF THE MINUTES:

Consideration of the November 10, 2020 Planning Board minutes. Motion made by Mr. Arthur to approve the minutes, second by Mr. Wilson and the November 10, 2020 minutes were approved 9-0 unanimously.

VI. APPROVAL OF THE PLANNING BOARD 2021 MEETING DATES:

Consideration of the 2021 Planning Board calendar. No changes to the draft calendar, motion made by Mr. Arthur and second by Mr. Spoon. The 2021 Planning Board meeting date calendar was approved 9-0, unanimously.

VII. PUBLIC INPUT SESSION:

Chair Lucier asked that each citizen who wished to speak to raise their hand after the staff notes at each item. There were no citizens to speak on a topic not related to the agenda.

VIII. SUBDIVISION:

1. A request by Mark Ashness, P.E., on behalf of Laurel Ridge Development, Inc. for subdivision Final Plat review and approval of Laurel Ridge Phase 1B, consisting of 12 lots on 68 acres, located off Old NC 87, SR-1520, Hadley Township, parcel #82018.

Ms. Tyson stated the request is for Final Plat approval of Laurel Ridge, Phase 1B consisting of 12 lots on 68 acres with a financial guarantee for the completion of required infrastructure. Phase 1B received preliminary plat review and approval by the Board of County Commissioners on November 20, 2006 for 30 lots under "Creekside". The submittal includes a request for a financial guarantee for completion of the required infrastructure. Under the pre-2008 Subdivision Regulations, a project must have a minimum of 40% of the infrastructure completed prior to submission of a final plat and the roads must be accessible to emergency vehicles. A cost estimate letter, June 30, 2020, has been provided by Mark Ashness, P.E., CE Group stating that the required infrastructure is 82% complete. The cost letter may be updated prior to plat recordation if additional work has been completed. Staff recommends granting the request for a financial guarantee. Staff also recommends that the final plat not be recorded until the engineer has certified that the roadway providing access to the parcels are accessible to emergency vehicles and recommends that the final plat not be recorded until the county attorney has reviewed and approved the form of the contract and financial guarantee. Per the approved preliminary plat, roadways are proposed to be public and state-maintained roads. Phase 1B is located off Old Graham Road. The subdivision approvals for all or the remainder of The Glens, The Bluffs, Shively Tract, and Harris Tract have been relinquished per email correspondence with the developer.

Riparian buffer widths of 50 feet per side (100' total) measured from top of bank landward has been shown on the plat. The 100-year and 500-year flood plain are shown on plat. The Technical Review Committee met November 10, 2020 to review the request. Hadley Swain Kirkland, Developer was present. Staff discussion included, if previous issues with Watershed Protection Dept. were complete, location of a cemetery, and water line size to the fire hydrants. Rachael Thorn, Watershed Protection Director stated the issues were resolved. The cemetery is located on parcel 86403 not in the proposed area. Chief Strowd had concerns that a 4-inch water line to the fire hydrants would not suffice, Mr. Ashness stated the lines to the fire hydrants wasn't 4 inches.

Ms. Tyson stated in closing the Planning Department recommends granting final plat approval of "Major Subdivision Laurel Ridge – Phase 1B Property of Laurel Ridge Development, Inc." with the following conditions:

1. Prior to final plat recordation the county attorney shall approve the form of the contract and financial guarantee.
 2. Prior to final plat recordation the engineer shall certify to the county that there is all weather access for emergency vehicles and the certification must be approved by the Fire Marshal
 3. Final plat title shall include "The Estates at Laurel Ridge".
- Chair Lucier asked if there were anyone for public comments. There were no speakers at this time.
 - Mr. Ashness stated this particular phase was graded and utilities were installed back in 2007 and the only thing that needed to be done more recently was to put gravel on the road, seed and stabilized

everything, the only thing lacking at this point is the final lift of asphalt and will be completed this Spring.

- Chair Lucier stated there is only 50' buffers on Dry Creek and it looks like are two tributaries running into Dry Creek. Mr. Ashness stated that is correct and the first tributary on the left side of the plat map, the road had already been constructed and the culvert had already been placed in the lots of Phase 1A and were platted with the buffer at 50'. On the east side there is another buffer that is also 50'. The lots here are large, 5-acre average, 3 acres minimum and the fact that there is public sewer and water will reduce the amount of disturbance on the lot without a septic field constructed and well. It is a very low impact development and just trying to complete this so there won't be any more pre-2008 projects to review. Chair Lucier asked if the wastewater goes to Chapel Ridge. Mr. Ashness stated it does.
- Mr. Spoon asked if the culvert over the road had any history of drainage problems. Mr. Ashness stated the drainage area to that culvert is a well-defined channel and the drainage area is not very substantial, and they have not had any problems with it. There is a public drainage easement and NCDOT reviewed all of the calculations for that and it will be turned over to NCDOT.
- Chair Lucier stated because there is room on the lots along Dry Creek, why not make that a 100' buffer. Mr. Ashness stated a lot of that area already has wetlands and are in excess of 100' and we were simply following what we had preliminary plat approval for and appreciate the request and could take that up with the client, but these are deep lots and that lead us to believe it wouldn't be an issue. The impervious surface on a site like this is going to be very small with the 5-acre average. Chair Lucier stated it would be good to have it formalized that they are 100' undisturbed buffers along Dry Creek because it empties into the Haw River not too far from this site.
- Vice-Chair Siverson stated Dry Creek is a significant creek and the proximity to the Haw River really makes it uneasy. She understands the lots are large but would feel much better if there was a 100' buffer on Dry Creek. Mr. Ashness stated he would not be a liberty tonight to make that kind of decision for the client and would be happy to discuss this with the client for lots 15, 16, and 17. Chair Lucier asked if the tributaries running into Dry Creek are perennial streams. Mr. Ashness stated the stream on Phase 1B is an intermittent and the stream on the far end by lots 11 and 12 is also an intermittent stream and the stream in the middle where the culvert is located does not show up as an intermittent stream and why it is not buffered.

Chair Lucier stated from his prospective he would like for Mr. Ashness to go back to the client and ask for the 100' buffer on Dry Creek. Mr. Ashness stated he would be glad to do that. Chair Lucier asked the Board what they felt about that. There was some Board discussion and the Board felt comfortable with that option. Mr. Sullivan stated there is not a regulator requirement for the 100' buffer, it would just be voluntary. This was understood by the Planning Board and Mr. Ashness.

- Ms. Elaine Chiosso a citizen stated she lives in the development across Dry Creek and has been there for 45 years and is a lover of Dry Creek. In the past there has been several pollution and sediment issues and since the clearing process there has been notice of violations for sediment and erosion control and doesn't want pollution problems for the creek. The pre-2008 rules are old rules for stormwater treatment and buffers and feels the lots need to be reconfigured to larger lots and less lots in total. She is thankful for the 100' buffer on Dry Creek and would like to see that. Ms. Chiosso thanked the Planning Board.

- Ms. Cari Filer a citizen stated she is a property owner across Dry Creek and agrees with the 100' buffer as well. Lots 13 and 14 has a private drainage easement on a culvert under the road, what steps were taken to mitigate the water and slow it down as it proceeds into those protected wetland areas. Also, are there any tree protection elements to this plan as well. Mr. Ashness stated in terms of control and velocity, you can't ask for a better scenario than what is presented with 5-acre average lots with shoulder and ditch section grass. No curb and gutter, no extensive piping on the property and this is the best-case scenario because it will spread the flow and there is not heavy infrastructure on this site collecting water and shuttling it to somewhere else in a single location. It is the intention to have custom builders for the individual lots so there will not be mass grading of the lots, when appropriate each lot would be graded and prepared with a separate erosion control plan submitted for each specific lot. With the size of these lots there are not any issues with concentrated runoff or high velocity issues on this project.
- Chair Lucier stated he understands the comments made by Mr. Ashness and they are large lots, but would like to see this item go forward with a unanimous decision, rather than a mixed vote and the way that would happen is with Mr. Ashness talking to the developer and discuss the 100' buffer on Dry Creek. There was some Board discussion about tabling this item until the next Planning Board meeting to allow time for Mr. Ashness to speak to the developer.
- Vice-Chair Siverson asked how does the gas line restrict the use of the lots with it running through them? Mr. Ashness stated you are allowed to cross the gas line with an encroachment permit from the gas company and they basically require no cut-in near where the line goes through.

Motion made by Ms. Moose to table this item for Mr. Ashness to discuss a voluntary 100' buffer around Dry Creek, second by Mr. Arthur. Chair Lucier completed a roll call vote and the item passed to table 9-0, unanimously.

- Mr. Sullivan asked the Board to forward the comments they received from Ms. Chiosso so they can be posted on the website.
2. A request by Mark Ashness, P.E., on behalf of Laurel Ridge Development, Inc. for subdivision Final Plat review and approval of Laurel Ridge Phase 2B, consisting of 14 lots on 67 acres, located off Old NC 87, SR-1547, Hadley Township, parcel #86169.

Ms. Tyson stated the request is for Final Plat approval of Laurel Ridge, Phase 2B consisting of 14 lots on 67 acres with a financial guarantee for the completion of required infrastructure. Phase 2B received preliminary plat review and approval by the Board of County Commissioners on November 20, 2006 for 36 lots under "The Bluffs". In early 2020, planning staff administratively approved a request from the developer to eliminate a cul-de-sac (Hamilton Cove) and reduce the number of lots for this phase. Due to the cyber incident staff cannot access the emails to confirm the date of the administrative approval, but it was deemed to be an overall reduction of impacts and therefore approved. A copy of the preliminary plat approved in 2006 has been posted online with the application materials for reference.

The submittal includes a request for a financial guarantee for completion of the required infrastructure. Under the pre-2008 Subdivision Regulations, a project must have a minimum of 40% of the infrastructure completed prior to submission of a final plat and the roads must be accessible to

emergency vehicles. A cost estimate letter, June 30, 2020, has been provided by Mark Ashness, P.E., CE Group stating that the required infrastructure is 95% complete. The cost letter may be updated prior to plat recordation if additional work has been completed. Staff recommends granting the request for a financial guarantee. Staff also recommends that the final plat not be recorded until the engineer has certified that the roadway providing access to the parcels are accessible to emergency vehicles and recommends that the final plat not be recorded until the county attorney has reviewed and approved the form of the contract and financial guarantee. Per the approved preliminary plat, roadways are proposed to be public and state-maintained roads. Phase 2B is located off Old Graham Road. The remaining projects The Glens, The Bluffs, Shively Tract, and Harris Tract have been relinquished per email correspondence with the developer.

Riparian buffer widths of 50 feet per side (100' total) measured from top of bank landward have been shown on the plat. The 100-year and 500-year flood plain are shown on plat.

The Technical Review Committee met November 10, 2020 to review the request. Hadley Swain Kirkland, Developer was present. Staff had no concerns.

Ms. Tyson stated in closing the Planning Department recommends granting final plat approval of "Major Subdivision Laurel Ridge – Phase 2B Property of Laurel Ridge Development, Inc." with the following conditions:

1. Prior to final plat recordation the county attorney shall approve the form of the contract and financial guarantee.
2. Prior to final plat recordation the engineer shall certify to the county that there is all weather access for emergency vehicles and the certification must be approved by the Fire Marshal
3. Final plat title shall include "The Estates at Laurel Ridge".

- Chair Lucier asked if there were anyone for public comments.
- Mr. Daniel Amero stated his property borders lots 35, 45, and 46 and this area should have bigger buffers for sure because it does flood. The developer on this section bulldozed a pathway alongside my property that wasn't in the plan and encroached along his property and trespassing as well. The Chatham County Sheriff office was involved because of trespassing on the property because contractors would not stop driving on it. Today he had heard from the property owner and what they might do to correct and repair what they did when they encroached on his property with a landscaper. I am sure they are going to do something, but it will not regenerate the forest like it was. Mr. Amero stated he is concerned about the next project upstream and any other bordering neighbors because they are reckless with property lines and completely shut me out until now and has been upset for 6 months and I can't see how this is in compliance at all. Chair Lucier asked about the damage to his property. Mr. Amero stated it is 250' long and 8' at the widest point and it was an old timber road but has been growing and untouched for many years. He thanked the Planning Board.
- Ms. Elaine Chiosso stated the trespassing by bulldozer and the notice of violations for sediment erosion are very concerning about this development and a development will be on both sides of the creek which already has some pollution problems. What kind of guarantee can the developer provide that these sediment erosion problems won't continue and that they will be respectful of property lines? Ms. Chiosso stated some of these lots on Phase 2B should be reconfigured and combined to fewer lots where the most water features are located so not so many stream crossings will have to take place. She thanked the Planning Board.

- Mr. Ashness stated they have eliminated roads and eliminated lots from the preliminary plat because it would not have met the 5-acre average, they reduced impervious surface as well. Unfortunately, there were some substantial communication breakdown with the contractor that was doing some under brushing and it is just sad that they breached the property line of Mr. Amero. It is about 700 sqft and it is thin and long. There is no excuse for those impacts and there were buffer and erosion control violations and those have been addressed with the County. Mr. Ashness checked on the status of the buffer repairs and the contractor stated it is related to the time of the year and the warmer weather has held up that work, but the plan is to get the work done in the next 60 days with vegetation. Mr. Amero stated it was not the contractor it was the owner of Laurel Ridge and it was a bulldozer and he previously was told where the property line was.
- Mr. Spoon asked Mr. Ashness how he sees lots 35, 45, and 46 being developed. Mr. Ashness stated none of these lots will access Rock Crest Rd from a driveway connection, lots 45 and 46 will access the road that was recently installed and lot 35 and 34 will cross the buffer for a shared driveway access. Mr. Spoon had some concern about lot 35 having some flooding and the lot may be inaccessible at times. Mr. Ashness stated the ridgeline for this area is just on the other side of Rock Crest Rd and it not a huge drainage area, it is flat and low and there is a lot of relief on lot 35R and doesn't see any issue from an elevation standpoint.
- Vice-Chair Siverson stated she has the same desire to see Dry Creek buffered at 100' on lots 35 and 36. Ms. Hager asked if there was a way, we can limit stream crossings. Mr. Ashness stated on Phase 1A and 1B, there was only one stream impact on that project. There would not be any problem getting a permit in that area because you are not exceeding any thresholds and the drainage in this area is very minor and not an issue.
- Chair Lucier asked the Board their thoughts about the 100' buffer on Dry Creek. There was Board discussion about the 100' buffer and having Mr. Ashness going back to the developer to ask for a 100' buffer on Dry Creek.

Motion made by Vice-Chair Siverson to table this item for Mr. Ashness to discuss a voluntary 100' buffer around Dry Creek, second by Mr. Arthur. Chair Lucier completed a roll call vote and the item passed to table 9-0, unanimously.

IX. ZONING:

1. A legislative rezoning request by 919 Storage LLC on Parcel No. 3080, located at 72 Marvin Edwards Lane, from R-2 Residential to Conditional Regional Business District (CD-RB) on approximately 7.93 acres out of the 17.64-acre tract for self-storage mini warehouse facility, William's Township.

A legislative public hearing was held on August 27, 2020. Planning staff presented the application. Also speaking was Mark Ashness with CE Group, Nick Kirkland to discuss the marketing analysis, as well as adjacent or adjoining property owners Michael Mansson, in opposition, Robert Midair in support, and Marjorie Gates in support. Mr. Mansson stated he had obtained a third-party study of the need of the proposed use and noted there are 11 such facilities within five miles. He also stated a petition has been signed by 29 people stating the project does not meet the Land Use Plan. These documents are on the Planning webpage as noted above.

Prior to the first scheduled Planning Board meeting, the applicant requested to postpone their review until they could address some of the concerns raised at the public hearing and by staff. The Planning Board agreed to postpone to their November 10, 2020 meeting.

Additional information has been provided by the applicant addressing standards 2, 3, and 4. Due to county network closures, staff will review the information and provide their opinion based on support or non-support of the standards at the meeting.

Discussion points from the November 10, 2020 Planning Board meeting are below.

Conditional Zoning districts are districts in which the development and use of the property is subject to predetermined ordinance standards and rules, regulations, and conditions imposed as part of a legislative decision creating the district and applying it to the particular property. Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

On January 22, 2020 the Chatham County Appearance Commission (CCAC) reviewed the proposed site plan. The overall plan satisfied the requirements of the ordinance. The recommended changes were to leave the grassy slopes on the property in a natural state, for lighting to be motion censored, and to move one light on the southern side of the property as to not disturb the adjacent landowner. The applicant agreed.

On June 24, 2020 the applicant held the required community meeting. The applicant held a community meeting on January 28, 2020, but due to an error in the first notice filing the meeting had to be held again. The applicant scheduled the second meeting in March but covid related restrictions caused the applicant to hold a third meeting. Several attended the meeting concerns were raised as to need for another self-storage facility in the area, lighting, stormwater runoff, hours of operation, building height and square footage, and building colors.

Mr. Ashness noted the following changes to be incorporated into the site plan and referred to them during the public hearing:

- A gate will be installed restricting access to the facility from 11pm to 6am
- The building colors have been replaced with solid neutral colors such as blue or gray
- Building height has been reduced from three-story to two-story and overall square footage is limited to 100,000 sq. ft.
- Trees along US 15-501 N will remain and be supplemented as needed

At the public hearing, Nick Kirkland addressed the findings of the market analysis stating there is harmony between uses with the location being within the typical distance to residential and close to town. He also stated this project would not affect current property values.

Planning Board Chair, George Lucier, questioned if CD-RB was the most appropriate zoning classification for the use. Mr. Ashness stated it is consistent with the zoning for the storage facility on the opposite side of 15-501 from this site. Commissioner Jim Crawford asked about a right turn lane or whether widening of US 15-501 would be required by NCDOT. Mr. Ashness stated they will follow whichever method is required by NCDOT.

Planning Board members had the following questions and/or concerns:

- In an Economic Center node, are NB, CB, and RB rezoning's allowed whether general use or conditional district? There was some confusion about this, and staff explained that the standards of the zoning ordinance act separately than the nodes of the Comp Plan, but the Comp Plan map indicates where such proposed rezoning's are encouraged to locate. With conditional district rezoning, only the use applied for and approved can operate.
- A letter from a competing storage facility dated August 27, 2020 stated they believed there to be an overabundance of storage facilities in the county and no new ones were needed at this time. The market analysis showed this facility at 98% capacity as well as nine others that were also near capacity. There was a concern over whose data was correct.
- Planning Board members stated that the dissecting of a professionally submitted marketing analysis was not meeting the requirement to verify whether or not the minimum standards of the rezoning requirements have been met. Also stating it either complies with the Comp Plan and meets regulation submittal requirements or it doesn't and that is what they are to make their recommendations on.

Citizens had the following questions and/or concerns:

- There was concern there was not enough time for citizens to review the additional materials submitted by the applicant prior to the meeting.
- Some citizens believe there is not a need for additional storage space in this area of the county stating the need was being based on future residential development and not what is currently established.
- Concerns the project would be an eyesore and take away from the rural aspect of the area even though there is a Walmart, several storage facilities of differing construction, and other non-residential uses along US 15-501 within five miles.
- It was stated that because the Comprehensive Plan didn't specifically call out self-storage as a permitted use within the Economic Node, it shouldn't be allowed.
- Concern over decreased property values.

The standards are addressed as follows:

Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same. The applicant is claiming no errors in the Ordinance. The property is zoned R-2 Residential and an application for conditional district rezoning is allowed. It is planning staff opinion this standard is met. **It is the opinion of planning staff that this standard has been met.**

Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare. The application includes support from the Comprehensive Plan, but it does not necessarily address the items as described for Standard No. 2. A limited feasibility study prepared by BKB Properties was included with the application and it was noted that they were not aware of any new storage development near this site. On the opposite side of US 15-501 there is a three-story climate-controlled storage facility (Countyline Storage), across the county line approximately 1500 feet is another mini storage facility (Star Point) and approximately .38 miles south is another facility (Akridge) which is located off of Old Lystra Road. Planning staff does not know the existence of other facilities in Orange County in close proximity.

As for the public health, safety, and general welfare, the development will only occupy 7.93 acres out of the almost 18-acre tract leaving the remaining R-2 zoned property to be left as open space or used for residential purposes in the future. They will be utilizing a security gate, time restrictions on access, and minimal lighting. No other support was provided by the application for this finding. It is the planning staff opinion that this standard has not been completely supported and request the Planning Board make the determination in support or if additional information is needed.

Additional information has been provided by the applicant and their representatives. This is a low impact use for the subject property, the applicant has incorporated restricted access and hours in response to concerns raised by the neighboring residential property owners, there is a need for varying types of facilities needed to provide options for customers with different needs and incomes to have access to self-storage facilities, one septic system will be needed to support the on-site office which is less than would be required for two single family dwellings were to be constructed, has access to county water, and is within a neighborhood center node on the Plan Chatham Future Land Use and Conservation Plan Map for consideration. It is the opinion of planning staff that this standard is now supported.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof. The minimums to be addressed for Standard No. 3 as listed on page 3 of the rezoning application have not been addressed or supported. The application does state that Page 47 of the Comp Plan encourages service uses near residential. The front area of the parcel where the storage unit is proposed is located within an Economic Center node. It is the planning staff opinion that this standard has not been met with specific support but does fall within the required node for consideration of the comprehensive plan. It is requested the Planning Board make the recommendation that it supports or does not support.

Additional information has been provided by the applicant and their representatives. The subject property is within a neighborhood center node and is a low impact use since it is close to residential areas and utilities are minimal. It is the planning staff opinion that this standard is now supported.

Item #4: The requested amendment is either essential or desirable for the public convenience or welfare. The limited feasibility study notes that the need for self mini storage continues to rise as more residential development in the surrounding area continues. Chatham County remains one of the fastest growing bedroom communities in the state. With new developments that allow smaller lot sizes, many property owners do not have the space available for accessory structures on their lots. Self mini storage can be viewed as a needed amenity and offers one of the lowest impacts uses that allows a property owner to utilize their property to bring revenue not only for themselves but an increase in the tax base.

As noted in the Introduction, Michael Mansson with Starpoint LLC provided a market analysis from Self Storage 101 that included “that the market is at current over-supplied and will become even more so if any new self-storage facilities are developed in the near future.” The report also included that “the report relies heavily on written and verbal information provided by others” and “in some cases, these sources are competitors, who may have a vested interest in skewing the data.” The applicant held the required community meeting and attempted to address the concerns regarding landscaping, lighting, security, stormwater and building elevations and modified their proposal accordingly. The plan will comply with all current local, state, and federal regulations pertaining to development. This is a low impact use for the property and over ¾ of the parcel is to remain residential. NCDOT has reviewed the preliminary plans and due to the low traffic intensity, they have no issues with the layout. If any modifications are needed on US 15-501, they will advise and permit accordingly.

It is the planning staff opinion this standard can be met, but the Planning Board needs to weigh the application materials against material provided during the public hearing and as stated during the November Planning Board meeting by others.

Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include the property is located in a split Watershed designation. The road frontage portion of the property, where this proposed business is to be located, is within the WSIV-Protected Area Jordan Lake watershed drainage area and the area to remain residential in the WSII-Balance of Watershed Jordan Lake district. There are no noted water features on this property per USGS and NRCS maps. There is a small office

proposed for an attendant during operating hours so wastewater and county water usage will be low; less than 100 gpd.

The layout was reviewed by the Technical Review Committee which included building inspections and the fire marshal's offices. No issues were found. It is the planning staff opinion that this standard is met. **It is the opinion of planning staff that this standard is supported.**

Planning staff finds Standards 2 and 3 have now been met making all findings supported. The application materials and supporting information were provided meeting the minimum requirements for recommending approval. Although there may be differing opinions on whether or not the market study, feasibility study or any other professionally submitted documents are in agreement between parties, it is not the purview of staff to determine.

Ms. Plummer stated it is the opinion of planning staff that the Planning Board recommend approval of the conditional rezoning request. **The Planning Board voted 10-1 to postpone their recommendation to the December 1, 2020 meeting in order to give the Board and concerned parties the opportunity to review all of the additional information that has been provided since the public hearing.** The Planning Board has one meeting remaining in which to make a recommendation to the Board of Commissioners.

Should you recommend approval or denial of the request, a consistency statement is provided below:

The rezoning of the portion of Parcel 3080, being approximately 7.93 acres out of approximately 17 acres is consistent with the Comprehensive Plan of Chatham by being located within a node identified as an Neighborhood Center Node where other businesses are located and encouraged to locate per the adopted map and regulations. Strategy 6.1 of the Land Use Plan element includes "Limit shopping centers and highway commercial development only in areas indicated as suitable for commercial development on the Future Land Use Map: within Towns, Employment Centers, Community and Neighborhood Centers, Village Centers, and in Crossroads Communities."

Should you recommend approval, the following conditions are requested to be reviewed, approved, and modified, if needed:

Site Specific Conditions:

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and a revised site plan is required. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or the site plan and approved uses becomes null and void.

Standard Site Conditions:

3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

Standard Administrative Conditions:

5. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.

6. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.

7. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

8. Non-Waiver – Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

- Chair Lucier asked if there were anyone for public comments.
- Mr. James Edwards Jr. stated his family owns 30 acres and is very much in agreement of having this project be approved. A storage facility is exactly what is needed to compliment Chatham County residential area as well as increase the tax base. There will be continued growth in this area and would rather have growth that would not put stress on the County's water and sewer infrastructure, and this is the type of project this is. This storage use is a lighter and friendlier commercial project for this kind of mixed-use area where many residents still reside. I hope the Planning Board and Commissioners will agree with the revenue and compatible growth by supporting this project.
- Mr. Michael Mansson stated obviously this is a contentious application because of the public comments and submitted documentation in opposition. At the end of the day there are several simple questions that the Board is having to answer while making the vote on the proposed rezoning development. First, is self-storage consistent with the Comp Plan as it stands today, the answer is simply no. Self-storage is not a service use listed in the neighborhood center via the Comp Plan nor is it included in the regional service site depicted in the corridor market profile which is also associated with the Comp Plan which details the specific associated uses for this portion of the County. This is not a subjective opinion; it is based on the fact that self-storage is simply not listed as a service use with a neighborhood center in the Comp Plan.

The applicant is trying to manipulate the conversation by saying that regional business zoning is allowed within the neighborhood center node and since self-storage is a conditional use permissible via the regional business zoning that it too is consistent with the Comp Plan. When you use that logic, can you also be saying that boarding and breeding kennels, a circus, a carnival, a flea market, pawn shops, night clubs, landfills for land clearing, oil and gas exploration, or natural gas compressors would also be consistent with the Comp Plan as they are all listed in the zoning as well as low impact. The Board can verify this by asking staff and the applicant a simple question, state the section, page, and sentence that calls out self-storage being listed in the Comp Plan which is a requirement in the standard County Ordinance. This has been asked and they can't provide it because it is not an approved item and is not consistent with the neighborhood center node. In reference to page 47 is what the applicant will say, but there is no reference for self-storage.

Another question that stands before the Board tonight is, is additional storage a need that is unmet for the public in the area of the County at this time. No, there is 37,000 sqft of storage space available at this time ranging in price and type within less than a mile of the proposed development. There is an abundance of available options for the public ranging in variation prices and types, but all providing the public with safe a secure storage needs with on-site management. The public has spoken, there is 39 individuals representing over 40 properties in the County that documented their oppositions to the

proposed rezoning, stating that this is a rural residential area, the gateway into the County and is not the place for yet another self-storage facility taking away from the character of the County. As a Planning Board you have the obligation per the County Ordinance to find the proposed rezoning and development meet each of the five standards based on factual findings in accordance with the current adopted Comp Plan. This proposed rezoning and development does not provide the factual support to find all five of the standards. Mr. Mansson thanked the Planning Board.

- Mr. Bob Hornik stated he sent a letter dated November 25th to Chair Lucier and believes it was distributed to all the Board members. On behalf of his clients who are opposed to this rezoning he wished to reiterate a few very basic points. First, all zoning is to be done in accordance with the Comp Plan. In 2017 Chatham County completed the Future Land Use and Comprehensive Plan and also completed the 15-501 Corridor Plan Study. Both the Comp Plan and the Corridor Plan Study show a commercial or neighborhood center node exactly where the Wal-Mart is located. The Wal-Mart existed at the time that both of those plans were created, the self-storage just south of Wal-Mart also existed. When you look at the description of the neighborhood center in the Comp Plan on page 47, it says that the neighborhood center is intended to be a grocery anchored center with complimentary retail and service uses, and small restaurants. It contemplates between 30,000 and 125,000 sqft gross floor area in the neighborhood center and the Corridor Plan shows that the Wal-Mart already has 148,000 sqft of gross floor area and fulfills what is described as the neighborhood center node in the Comp Plan.

This site, the Edwards property, is simply another self-storage facility right there at the gateway to the County and Mr. Mansson has provided information that demonstrates that there is an overabundance and a surplus of available self-storage space in northeastern Chatham county. We respectfully disagree that the findings have been met. We would submit that none of the findings have been met and satisfied. There has been no demonstration of any error in the zoning ordinance, no demonstration of changing needs in the area which makes the proposed amendment reasonably necessary, there is 37,000 sqft of available storage area within a short distance of this site.

Mr. Hornik stated finding number 3, the manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof, this neighborhood center node is already saturated and overused and no room in this neighborhood center node for another 100,000 sqft of commercial space. Finding number 4, the requested amendment is either essential or desirable for the public convenience or welfare, there has been no demonstration of that or if there has been a demonstration, I think it's been equivocal because the applicant experts saying one thing about the need and Mr. Mansson and his consultants and other storage space owners in the area stating that they have a surplus of space available. I have reviewed all the documents on the website and even more and I can't find how those four findings have been satisfied at all and I could boil it right down to if all zoning is to be done in accordance with the Comp Plan, when you look at what is proposed for this site and what is already out there and what the Comp Plan says, this proposed rezoning simply is not consistent with the Comp Plan and for that reason we ask the Planning Board to please recommend denial of the rezoning application.

- Chair Lucier stated this is the second meeting on this issue and there is a lot of information provided since the last meeting and some of it recently. The Chair stated he is struggling quite a bit with this in terms of what is best to do. He understands what Mr. Hornik said about the Land Use Plan and the neighborhood business already being saturated and the storage center is not listed as an appropriate use in the neighborhood business area but is in the regional business area. On the other hand, that is a very difficult intersection and if a retail establishment or a residential development were to be built there

the traffic would be a safety issue. The marketing for the Board is important to determine a need and whether this is something necessary or desirable for Chatham County. We have had dueling marketing analysis done and there is no doubt the area is going to grow and if it is not there right now, the need will be there shortly. Do I like having the entrance to the County being a storage center, no but that is not up to the Board to determine.

- Mr. Arthur stated several years ago he voted against the storage facility that is currently near the Wal-Mart. The reason was, we didn't have a Comp Plan and the Board needs to decide what we want and where first. I lost that vote, so the storage facility is there, and the Wal-Mart is already there and would not prefer a fourth facility right at the entrance of Chatham County, but we decided we wanted a neighborhood node there and I disagree with the idea that the Comp Plan should be taken literally, it is a guideline, it is not the law, so there was some leeway as to what could go where. Now we have this proposal for a storage facility which will have low traffic and it is an awkward intersection to begin with because of the Wal-Mart and Smith Level Rd. There is the issue with who is for it and who is against it, is there over capacity or under capacity and that is hard to decide. As the population grows, we need places to put our stuff and this is a low generating traffic operation and if we deny this, what are we saying, this is going to be residential forever. The pressure in that area is immense, so what comes next after this, something that generates more traffic. Mr. Arthur believes the Board should approve this item.
- Vice-Chair Siverson stated she has the same struggles as the Chair and Mr. Arthur has articulated. This is a fairly well-designed project with significant buffers and the traffic is difficult already in that area. The lot on 15/501 doesn't seem to be viable as residential development, so right now she is supportive of the project because it is a low impact use and is not really going to be as imposing to the neighbors as they think it will be. Vice-Chair Siverson is not happy about another storage facility at the entrance of the County, but the Board doesn't get to choose exactly what goes in the area, it is the market.
- Ms. Moose agrees the Board should not get into the weeds of the dueling market reports and if a business believes they can make it work they should have the opportunity provided all the requirements are met. She is still struggling with whether it is necessary and desirable in an area of the Plan that is supposed to be a neighborhood center and the neighbors aren't excited about it, that gives pause. Also, in previous deliberations the Board has discussed and determined that a dot on the Land Use Plan does not mean that every single corner of an intersection or property that touches that node must adhere to every use in that center as listed. The storage use not being listed doesn't bother her as much as the neighbor reaction and still struggling because of those reasons.
- Mr. Frazier stated this is not an easy decision but convinced this is the least intensive thing that is likely to go into this space and he is not overwhelmed by the number of neighbors opposing this development, the main objection has been from business competitors. Yes, there are some neighbors who object and the people who live on Marvin Edwards Rd will have to pass it, but it will not affect them all that much.

Motion made by Mr. Arthur to approve the consistence statement, second by Mr. Spoon.

The rezoning of the portion of Parcel 3080, being approximately 7.93 acres out of approximately 17 acres is consistent with the Comprehensive Plan of Chatham by being located within a node identified as an Neighborhood Center Node where other businesses are located and encouraged to locate per the adopted map and regulations. Strategy 6.1 of the Land Use Plan element includes "Limit shopping centers and highway commercial development only in areas

indicated as suitable for commercial development on the Future Land Use Map: within Towns, Employment Centers, Community and Neighborhood Centers, Village Centers, and in Crossroads Communities.”

Chair Lucier completed a roll call vote and this consistency statement passed 7-2, opposed by Ms. Moose and Ms. Hager.

Motion made by Mr. Arthur to approve this item, second by Mr. Spoon. Chair Lucier completed a roll call vote and this item passed 7-2, opposed by Ms. Moose and Ms. Hager.

2. A quasi-judicial public hearing for a request by Jennifer Miller-Farias, for a Conditional Use Permit for a Boarding Kennel, Parcel 64991 being approximately 6.75 acres, located at 5821 NC HWY 87, Hadley Township.

Ms. Phelps stated a quasi-judicial public hearing was held on November 16, 2020. Planning staff presented the request, and the applicant, Jennifer Miller-Farias, had a presentation. Two residents spoke on the matter and had multiple concerns:

- The dog facility being built in a primarily residential area and its rules and restrictions. The conditions listed in the approval, along with the zoning ordinance, will be the conditions for the property. If any of the conditions are violated, appropriate enforcement action by the Planning department will be enacted.
- The applicant stated that they may have a maximum space for 34 dogs. This depends on size as well. It will be at the discretion of the Planning Board to suggest a condition to limit the number of dogs allowed.
- Rules about noise, the Sheriff's department enforces the noise ordinance.
- How any restrictions are enforced, the Planning department, at this time, is complaint based. Once a complaint is given to our department, the Zoning Official will then investigate to determine if there is a violation. If a violation is found, the Zoning Official may speak with the property owner and they may work on bringing the property into compliance. If the property owner is not willing to comply, a Notice of Violation may be issued.
- Animal solid waste, this issue is best answered by the applicant, Environmental Health, and/or a soils scientist.
- Hours of operations, the applicant has stated in their application, and at the public hearing, that clients will be dropping off/picking up their pets between the hours of 8:00 AM-12:00 PM, and 3:30 PM-6:00 PM. The dogs will be allowed indoor/outdoor access from 7:00 AM-6:00 PM and will be kept indoors from 6:00PM-7:00 AM.

In the applicant's presentation, they gave some specifics of their project:

- Building size = 2730 square feet
- Runs = 15 off the building and 15 on the opposite side
- Dogs will not go outside at night, unless the applicant notices a dog may need to step outside but be brought back in
- The septic will be expanded to meet the needs
- Exterior lighting will be full cut off and meet zoning ordinance lighting regulations
- If dogs are at the facility longer than 3 days, then there will be mandatory play time
- They will install sensors to limit barking if needed

Commissioner Hales asked where this is located, what they currently do at their home, if the property will be used just for their business, and the number of the maximum number of dogs at one time. The applicant responded that currently, they have a small operation at home and show dogs, and travel to show dogs. They

do intend to use this property solely for the business. There is a potential maximum of 34 dogs, but this depends on the size of the dogs that will be there at that time.

Commissioner Dasher wanted to know how the applicant could be contacted by neighbors if this is approved. The applicant stated she has given her phone number out and has encouraged neighbors to reach out with any concerns they may have.

Commissioner Howard asked if they are travelling for showing dogs, who will be facilitating the property? The applicant responded that once they have the facility up and running, she will be there full time, along with the help of her parents.

Planning Board Chair Lucier remembered that there was a boarding kennel proposed on highway 87 and wanted to know if there were any boarding kennels in this area. It was found that there are no boarding kennels in this area, and the previous proposal was approved in 2008, parcel 84022, but there has been no development on the property.

Karen McClelland and Marilyn McClelland spoke and provided comments. They ultimately wish for the area to remain residential. They stated that at the community meeting it was noted that during the summertime the dogs will not be outside during the day, but at night. The applicant clarified that the normal play time for the dogs will be midday, but on the very hot days that playtime will be pushed back to when the temperature is not as high.

In reviewing and considering approval of a Conditional Use Permit, the Board must find that all of the findings of facts shall be supported. Per the Zoning Ordinance, "In considering an application for a conditional use permit or revision to a CUP, the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured, and substantial justice done. If the Board should find, after public hearing, the purpose conditional use permit or revision thereof should not be granted, such proposed permit shall be denied."

A community meeting was held on August 31, 2020 and notice was provided to the adjoining property owners as required by the Zoning Ordinance. Concerns presented at the meeting were bamboo on the southern property line from an adjoining property owner and the ability to have it safely removed, what will be done to prevent the smell of animal waste, and how excessive dog barking will be handled. At the Chatham County Appearance Commission meeting, the applicants expressed the concern about bamboo, and the members gave them information on how this can be safely removed. The applicants explained what the daily cleaning will look like and the schedule for letting the dogs in and out. The dogs will only have access to the outside when an employee is present, as well as scheduled times that the dogs will be allowed outside.

The site plan was presented to the Chatham County Appearance Commission (CCAC) on September 23, 2020, and again on October 28, 2020. The September CCAC meeting did not have a quorum but was still held for review of plans. Comments on the landscaping plan were made, and the applicants provided a plan that was approved by the CCAC during the October meeting. They will be required to plant 11 Red Cedar spaced 30' on center, 27 Ligustrum 8' on center, and leave a strip along the southern border to vegetate. There is an existing pole light on the property. Another pole light will be installed only if what is existing does not emit enough light. All other lights will be full cut off and adhere to the Chatham County Zoning Ordinance.

Finding 1 - The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located. The applicant answered N/A, as this use is allowed as a CUP within R1 zoning. **It is planning staff opinion this finding is met.**

Finding 2 - The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.

The applicant states that the additional traffic will bring a maximum of 50 people a day. The hours in which clients will drop off/pick up their dogs will be from 8:00 AM -12:00 PM, and 3:30 PM - 6:00 PM. The kennel will have a ranch style look made of steel, with fencing surrounding it for the pet's safety. Additional lighting will be added but will comply with the Chatham County Zoning Ordinance. The project will generate noise. An average dog bark can reach up to 80-90 decibels. Multiple dogs barking can reach up to 115 decibels. The dogs will be limited to the outdoors and kept inside from 6:00 PM to 7:00 AM. Pet safe shampoos and supplies will be used for the business. They will be disposed of through a conventional septic system specifically designed for the business needs. A sign with a logo, business name, and telephone number is proposed to be placed towards the front of the property. At the public hearing, the applicant stated that there are no similar facilities in the area and have been encouraged by current clients to open a facility. **It is planning staff opinion this finding is met.**

Finding 3 - The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.

The applicant provides statistics in regards to Chatham Park, with the potential of 49,357 households which yields a pet population of approximately 18,953 dogs and 12,537 cats. Currently in Chatham County, there is a limited number of pet services and no one who provides an all-in-one location for pet needs like the proposed Doggie Dude Ranch will. A large portion of people in Chatham County go outside of the county for pet care needs. The only other businesses that provide these services are within the town of Pittsboro. Most are with veterinary offices which are limited to the number of dogs they can board and/or groom due to space. None provide indoor/outdoor access for pets to be more relaxed and have more space to move around, with only one providing daycare. Another factor is that many of the businesses have limited capacity because appointments are booked weeks in ahead due to high demand-low service. Two full time and possibly one part time job opportunity are proposed. **It is planning staff opinion this finding is met.**

Finding 4 - The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof (i.e. Comprehensive Plan, Chatham/Cary Joint Land Use Plan, etc.) You must note specifics from the plan/s giving reference to page number and section.

The property is located in a rural designation on the Comprehensive Land Use Plan map. This states that there should be a "mix of uses include(ing) agriculture, large lot residential, supporting service uses, and home-based & small-scale businesses". At least 2 full time and 1 part time position will be created for this business. This will assist in out-commuting employment. It is the intention of the applicant to eventually offer a grooming school once the clientele base has been developed. The look of the property is intended to remain residential, as a ranch style business is proposed to be constructed, as well as leaving the majority of the vegetation of the property and will be planting a buffer along the front property line.

From Chapter 4 of the Comprehensive Land Use Plan, the applicant cites Land Use strategy 7.4, and Natural Resources strategy 1.4. The former states to "modify zoning regulations to allow for more flexibility for rural businesses that have minimal impact on adjacent properties and rural character". The latter states "encourage tree plantings and restoration activities in watersheds with low or diminishing tree cover". There is a water feature along the rear of the property that will remain protected due to all of the development being located at the front of the property and increasing vegetation on the property. **It is planning staff opinion this finding is met.**

Finding 5 - Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies, and regulations. There is an existing well and septic system on the property. The applicant has had a soils scientist evaluate the property, and they are applying for the necessary permits with the Chatham County Environmental Health department. The property has access directly off of NC HWY 87. It will need to meet Fire Marshal requirements of being 20 foot wide, 13.5-foot height clearance, and support 75,000 pounds.

The new building is approximately 2,700 square feet and will encompass a majority of the footprint of the existing residence on the property. Because of the minimal amount of development of this property, stormwater measures are not required. **It is planning staff opinion this finding can be met. If approved, the applicant is required to meet all other department regulations.**

Based on all five findings being met or can be met, planning staff supports the conditional use permit request.

Page 41 Objective 4 is to “diversify the tax base and generate more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting”. This project increases the non-residential share of the tax base and in-county jobs.

Page 55 Economic Development, Strategy 1.2, states to modify zoning regulations to allow for more flexibility for rural businesses that have minimal impact on adjacent properties, traffic, and rural character.

Ms. Phelps stated in closing the Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners. The following conditions are provided for consideration if recommended for approval:

Site Specific Conditions

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. A building permit shall be obtained and remain valid at all times within two (2) years of the date of this approval or the conditional use permit revision becomes null and void.
3. All existing conditions shall remain in effect, except as modified by this conditional use permit amendment.

Standard Site Conditions

4. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include, but are not limited to, landscaping, lighting, signage, parking, building construction, etc.
5. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department to the initiation of the operation/business.

Standard Administrative Conditions

6. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant’s property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

- Chair Lucier asked if there were anyone for public comments. There were no comments.

- Mr. Ray Bode stated a question about Ligustrum as an invasive species plant. There was some discussion about the recommendation from the CCAC for vegetation. Mr. Bode recommended several plants such as Wax Myrtle and Holly. Ms. Miller-Farias stated they took out the Ligustrum and replaced it with Camellia plants.
- Mr. Spoon stated this is a good plan and is needed in the County.
- Chair Lucier stated there is an existing three-bedroom home on the property and asked what was going to happen with it. Ms. Jennifer Miller-Farias stated it is a double wide and a bit of an eyesore and will be removed. The boarding kennel will look much prettier than that house.
- Chair Lucier stated nobody will working at the facility at night because Ms. Miller-Farias lives off site. Ms. Miller-Farias stated they live a quarter mile down Hwy 87 and no staff will be there in the evening, but there will be a camera for 24-hour surveillance to keep watch of the facility and animals. Chair Lucier stated the dogs will have access to the outside between 7am -6pm. Ms. Miller-Farias stated that is correct and the kennels will have a doggie door to the outside that will slide up and down during the times of operation. Chair Lucier asked about soundproofing the building. Ms. Miller-Farias stated they have been working with a builder and looking for a proper insulation and also adding padding to the rafters to dampen the sound as well.
- Vice-Chair Siverson stated there is another dog kennel facility near this location called Companion Camp, so there is another dog kennel in the area. Mr. Galin stated he agrees with Mr. Spoon as the community does need more options for dog kennels and he is speaking from experience trying to find places for his own pet.

Motion made by Mr. Galin to approve this item, second by Ms. Hager. Chair Lucier completed a roll call vote and this item passed 9-0, unanimously.

3. A Legislative public hearing for a request by K&B Investment Corp, for a general use rezoning from B-1 Business to IND-L, Light Industrial, Parcel No. 60705 being approximately 13.154 acres, located at 144 Old Lystra Rd, Williams Township.

Ms. Phelps stated a public hearing was held on November 16, 2020. Planning staff, Justin Booth, representative for the applicants, and Sam Rauf, EDC all presented the request. The president of the nearby Arbor Lea subdivision HOA also spoke in opposition of the request. There were several letters received from adjacent landowners and representatives from the Arbor Lea subdivision in opposition to the request and they have been posted on the Planning Department webpage under Rezoning and Subdivision Cases, 2020. Some of the concerns raised are:

- Increased traffic on Old Lystra Road near the residential areas should drivers miss the turn into the facility.
- The property being an eyesore as it currently sits.
- Potential uses that could devalue property values.
- Increased noise, lighting, landscaping and signage all insufficient currently.

This property was zoned B-1 Business (which is now a legacy zoning district) in 1986 when the owners of Performance Bike requested a rezoning of the property. There was a store front for the bicycle business as well as the warehousing and assembly of various types of bikes. The building has expanded over the years to

become the 143,000 square feet it is today. The prior use was subject to bankruptcy and the building has been vacant since.

Several properties adjacent to this property are non-residential uses consisting of the UNC park and ride lot (allowed use in a R1, Residential, district, NC State Employees Credit Union (conditional use business district), a business park, and a small storage facility (conditional use light industrial district). It is situated approximately 1/10 of a mile from the signalized intersection of US 15-501 N and Old Lystra Road. Over the last few decades, the only zoning violation consisted of a lighting issue and no other issues have been presented to the Planning Department.

Ms. Phelps stated when considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance listed under the proposed zoning classification are permitted. However, due to possible limiting situations such as wastewater capacity, access to public utilities, impervious surface limits, etc., not all uses are feasible. The decision to approve a general use rezoning shall be determined by the following criteria.

- 1. Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment.** The applicant is not claiming any error in the ordinance. **It is the planning staff opinion that this standard has been met.**
- 2. The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary.** The current zoning classification of B-1 Business is a historic district which limits the number of possible uses to meet today's market. There have been multiple requests from potential occupants to both the current owner and Chatham EDC about potential investment and employment opportunities for the property. However, those requests have not been allowed under the current zoning. A General Use rezoning to Light Industrial increases the chance of a new business occupying a vacant warehouse type building in the county with a similar previous use, while still fitting in with surrounding parcel uses.

The building is in between two Neighborhood Centers identified on the Future Land Use and Conservation Plan, is an existing building with a previous business use that was occupied for decades, next to a Conditional Use-Light Industrial Zoning, and adjacent to an important transportation corridor for the county. US 15-501 is a primary transportation corridor in the county which is part of the reason a distribution and warehouse business was located on the subject property. Apart from this, the building is existing, and no other improvements are needed. Specific job numbers would depend on the type of future occupant. **It is the planning staff opinion that this standard has been met.**

- 3. The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof.** With a growing population and projected increase in population from 70,928 (page 14) to 128,327 (page 14) in 2040, the building will provide an employment hub for those moving to Chatham County. As it currently stands, the building could present an eye-sore to future residents and deter Community growth. Being located close to US 15-501, one of Chatham County's most heavily used transportation corridors, the rezoning fits the Economic Development Strategy 2.3 from the Land Use Plan that states, "As demand warrants, consider zoning to allow distribution and warehouse uses along major transportation corridors."

The goal and objective of this rezoning would be to utilize existing infrastructure to support economic objectives. Given the building currently exists, the impact of development would not change, but the potential for job growth would increase to create a diverse tax base as outlined in item 4, of page 41 of the Chatham plan. On page 53, the big idea is to have 14,000 new jobs in Chatham County by 2040 (page 53) and this rezoning supports Economic Development Recommendation 02 from the Land Use Plan to "increase employment opportunities across the County." Additional support is provided with Strategy 7.3 under the Land

Use Plan Element that reads “Support rezonings for the adaptive reuse of existing industrial sites that are not being used (i.e. feedmill and truck maintenance facility for the poultry industry).” **It is the planning staff opinion that this standard has been met.**

4. List all other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. The site will be virtually unchanged. The building is existing, and no new additions are proposed. There are currently 90 parking spaces and no additional are proposed. The property is limited in built upon area and this project is or has already exceeded the maximum over the years because it was developed prior to adoption of the Watershed Protection Ordinance.

The access drives are already in place and traffic will continue to follow the existing roadway services. Being close to the intersection of the US 15-501 highway corridor limits use further down Old Lystra Road away from residential areas. The site will continue to utilize the existing septic system. Because of the size of the system, there are many uses in the Table of Permitted uses that could not locate on the site. The county water system will continue to serve the property. Landscaping, noise, lighting, and signage location are existing and will be utilized for any new business locating on the site. **It is the planning staff opinion that this standard has been met.**

5. All other information required on this application or as offered by the applicant in support of the request. A focus between the County and Economic Development has been trying to utilize existing, vacant buildings so the county can continue to meet demands for employment, increase the tax base revenues, and offset tax burden on residential development that continues to grow. It’s better for the environment to use existing structures to help in meeting these needs. **It is the planning staff opinion that this standard has been met.**

Based on all standards being met, it is the opinion of the planning staff the request for general use rezoning be recommended for approval.

Ms. Phelps stated in closing the Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners on whether to recommend approval or denial of the rezoning request.

Should the recommendation be for approval, a consistency statement has been provided below for consideration.

The rezoning of Parcel 60705 is consistent with the Comprehensive Land Use Plan of Chatham by utilizing existing infrastructure to support economic objectives and giving the potential for job growth that would increase to create a diverse tax base as outlined in item 4, of page 41 of the Chatham plan. On page 53, the big idea is to have 14,000 new jobs in Chatham County by 2040 (page 53) and this rezoning supports Economic Development Recommendation 02 from the Land Use Plan to “increase employment opportunities across the County.” Additional support is provided with Strategy 7.3 under the Land Use Plan Element that reads “Support rezonings for the adaptive reuse of existing industrial sites that are not being used (i.e. feedmill and truck maintenance facility for the poultry industry).”

- Chair Lucier asked if there were anyone for public comments.
- Mr. Sam Rauf stated he has been working with Justin Booth over the past few months and have noticed an increase in business interest in at this facility which has led to this rezoning. This business does fit for this location in the Land Use Plan and there are also some built-in limitations for this property. The septic system has extreme limitations for this facility and even though there are a lot of uses that are permitted by right, it just will not work with the septic system. Only domestic uses of sewer

are possible at this site which means only bathrooms for employees would be allowed. This site can only be used for a few uses. Also, a company coming and adding landscaping and will remove the eyesore and help land value. Being so close to 15/501 we believe the traffic will be minimal and just limited to the employee commute.

- Mr. Justin Booth stated he is working on behalf of the building owners and have been working on this project for several months. There have been several parties interested in this building, but because of the historical zoning that is currently in place, we are limited on the different uses that can come to this facility and operate. We would rather this building be occupied and be a community asset rather than an eyesore. The septic situation does limit a lot the uses companies are looking for, but if this can be occupied this will help create jobs in which the Comp Plan speaks to and we want to be a part of that and do it the smart way.
- Chair Lucier stated this building probably will deteriorate over time if it is not used and in favor of getting something in there that works for everyone, including the neighbors. His only concern is there are 80 permitted uses with Light Industrial and have you gone through the list of permitted uses that can be deleted. Mr. Booth stated he has gone through the list and compared it to the list of uses allowed by the current zoning which would not be ideal or wanted in this location. Mr. Booth listed many uses from the B-1 zoning table of uses and the Light Industrial table of uses, but these are not possible because of the septic limitation. Mr. Rauf stated there are 83 uses in the Light Industrial table of uses and more than half of them would not be allowed because of the septic limitations.
- Chair Lucier asked why not delete these uses. Ms. Plummer stated they can't delete the uses for general use rezoning. Chair Lucier stated the other option would have been to apply for a conditional use permit. Ms. Plummer stated a conditional district rezoning could have been applied for but working with Mr. Booth it was going to be very difficult to market this property with only a handful of uses and the built-in septic limitations.
- Ms. Moose asked how likely there would be public water hookup for wastewater to this location. Mr. Sullivan stated the only public system in that area right now is a small system that serves what was Cole Park Plaza and it is at capacity. There are no other plans at this time. Mr. Galin stated his concern is if we don't do something with that facility it is going to deteriorate and then there will be health, safety, and environmental issues. Mr. Galin recommended there be a motion to approve this item. Ms. Hager stated this sounds like a really smart opportunity and feels good about the limiting factors with the septic wastewater limits and supports this item for approval.
- Vice-Chair Siverson asked Ms. Plummer how onerous it is to make a conditional district zoning request. Ms. Plummer stated there is nothing to stop them, but from the last two years there have been a couple serious interested parties wanting to locate to this site and was looking at the conditional district option and it was becoming very difficult for EDC to support their economic development plan having to go in the conditional district direction. Ms. Plummer stated we have tried a few times and just couldn't get it together. Mr. Rauf stated companies that are looking for an existing building have a very tight timeline because there is a lot that goes into relocating a business and they want certainty that they will be able to go into the building with-in a three-month window. A conditional district rezoning is a long process and doesn't seem to work for these companies that are interested.
- Ms. Moose asked if there have ever been any conditional district applications for this site. Ms. Plummer stated no. Vice-Chair Siverson asked for some examples of companies that have looked at this site.

Ms. Plummer stated a major distribution company was interested and the larger corporations don't like having their hands tied, they want the zoning to fit and start working. It went back and forth, and they came back and said they will find somewhere else and it will not be in Chatham County.

- Mr. Galin stated Performance Bike built this facility here because of the restrictions from Orange County. We are in a good location for large corporations because we are centrally located on the east coast which makes it easy for distribution. We have the facility here and wants to be used. Chair Lucier asked how long the building has been vacant. Ms. Plummer stated it has been a little over two years now.
- Ms. Moose asked if there had been any progress with the residents of Arbor Lea, looks like they had requested a meeting. Mr. Booth stated he had reached out to them and an actual face to face meeting has not taken held but explained from the seller's perspective the situation at hand. Ms. Moose stated she was looking at the letter provided by the HOA and they have asked for written notice if the County was going to proceed with the rezoning and they were hoping for an opportunity to supplement their letter where they raised some concerns before any consideration was taken. Mr. Booth stated he has reached out specifically to members of the HOA and asked for contact with the President of the HOA for a meeting and have not heard back from them. Ms. Moose asked if the Planning Department has received anything from Arbor Lea. Ms. Plummer stated only what has been posted online.
- Chair Lucier asked if anyone from Arbor Lea was at the meeting tonight. There was not anyone present.

Motion made by Mr. Galin to approve this item, second by Mr. Wilson. Chair Lucier completed a roll call vote and this item passed 8-1, opposed by Ms. Moose.

Motion made by Mr. Galin to approve the consistency statement, second by Mr. Wilson.

The rezoning of Parcel 60705 is consistent with the Comprehensive Land Use Plan of Chatham by utilizing existing infrastructure to support economic objectives and giving the potential for job growth that would increase to create a diverse tax base as outlined in item 4, of page 41 of the Chatham plan. On page 53, the big idea is to have 14,000 new jobs in Chatham County by 2040 (page 53) and this rezoning supports Economic Development Recommendation 02 from the Land Use Plan to "increase employment opportunities across the County." Additional support is provided with Strategy 7.3 under the Land Use Plan Element that reads "Support rezonings for the adaptive reuse of existing industrial sites that are not being used (i.e. feedmill and truck maintenance facility for the poultry industry)."

Chair Lucier completed a roll call vote and the consistency statement passed 8-1, opposed by Ms. Moose.

4. A legislative public hearing for a request by CRCED Treatment LLC for a rezoning from R-1 Residential to Conditional District Office & Institutional (CD O&I) on parcel 20029 and .03 acres of

parcel 93851 to expand services for a residential group home treatment facility, located on approximately 6.38 acres at 7990 NC 751, Williams Township.

Ms. Plummer stated a legislative public hearing was held November 16, 2020. Planning staff and Attorney Nick Robinson presented the request. No other persons spoke on the matter. This property adjoins CRCED's current treatment facility named Carolina House located on Lassiter Homestead Road, which has been in operation since 2006. The properties that are presently used by CRECD were purchased with existing residences on them which were fitted for the residential treatment facility currently in use. There have been no violations or concerns presented to the Planning Department since CRCED started in 2006.

The Chatham County Appearance Commission (CCAC) reviewed the proposed site plan on September 23, 2020. It was noted that the tree line along the front and other areas as noted on the plan are to be preserved. There was a portion of the required landscape buffer located within the right-of-way of NC 751 and it was agreed that area would be moved so as to be solely on the parcel. The applicant plans to utilize a bio-retention pond instead of a wet pond for stormwater controls since they will be exceeding the 20,000 sq. ft. threshold requiring erosion control and stormwater permits. There will be one new sign at the new entrance for the facility and lighting is being kept at a minimum. The CCAC were supportive of the proposed plan and it was recommended for approval unanimously. A community meeting was held September 21, 2020 and no adjainers attended. No calls or questions have been received by planning staff.

Ms. Plummer also stated Section 5 of The Chatham County Zoning Ordinance outlines the procedures to apply for a conditional zoning district. Conditional Zoning districts are districts in which the development and use of the property is subject to predetermined ordinance standards and rules, regulations, and conditions imposed as part of a legislative decision creating the district and applying it to the particular property.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same. The applicant is claiming no errors in the Ordinance. **It is the planning staff opinion that this standard has been met.**

Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare. The current facility has been in operation since 2006, and because of its residential setting, has been compatible in the surrounding area and the existing facility stays at a minimum of 90% capacity. The location in Chatham County provides a setting for family members of residents to remain actively involved in the treatment process. There are no similar treatment facilities similar to this in the county. By allowing the expansion of services to the existing house on the parcel proposed for rezoning, these services can expand to treat more residents. The existing single family dwelling on the proposed rezoning parcel will be upgraded to serve eight patients and two employees with no changes to the outside except for parking, driveway access, and ADA required improvements. **It is the opinion of planning staff that this standard has been met.**

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof. This area of the county is noted as being within the Conservation designation of the Comprehensive Land Use Plan. The property will maintain a rural, residential appearance and will keep a large portion of the property in open space.

Chapter 3 Objectives of the Plan encourages fostering a healthy community by assuring access to all types of healthcare for residents as seen on Page 37 of the Plan as a result of the 2014 Community Health Assessment where these services were identified as needed. The property will also allow for patients to engage in health enhancing activities between the two properties. The property also falls within the Joint Land Use Plan of Chatham County and the Town of Cary. This area is noted as VLDR, very low density residential. One dwelling unit per acre is limited to this designation. The JLUP, Section 3.2, 3-2) does encourage institutional uses that are compatible and complementary to the surrounding neighborhood. These include churches, parks, schools, libraries, daycare centers, etc. The applicant and the County have received an approved interpretation from the Town of Cary agreeing the proposed project would be consistent with the JLUP and should be approved as an expansion of existing services. **It is the planning staff opinion this standard has been met.**

Item #4: The requested amendment is either essential or desirable for the public convenience or welfare. Above information stands as additional support of this standard. Based on the provided traffic analysis by Kimley-Horn, this use is considered to be a low generator. The existing driveways will be improved for two-way passing. A commercial driveway permit will be required from NCDOT. The existing site is heavily vegetated and will be implemented with additional plantings as approved on the submitted landscaping plan. Lighting will be low impact, full cutoff so as to maintain the rural, residential character. **It is the planning staff opinion that this standard has been met.**

Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include the use of the existing well and improvements to the existing septic system. The property is located within the WSIV-PA Jordan Lake buffer watershed designation which allows up to 36% impervious surface (BUA) without curb and gutter. This project proposes approximately 20% BUA. **It is the planning staff opinion this standard has been met.**

Based on all five standards being met, it is the planning staff opinion the request should be approved.

Ms. Plummer stated in closing it is the opinion of planning staff that the Planning Board recommend approval of the conditional rezoning request.

Should you recommend approval or denial of the request, a consistency statement is provided below:

The rezoning request is supported by and is consistent with the Comprehensive Land Use Plan by being within the Conservation designation of the Comprehensive Land Use Plan. The property will maintain a rural, residential appearance and will keep a large portion of the property in open space and will continue to provide services that are needed for healthier communities. The property also falls within the Joint Chatham County - Town of Cary Land Use Plan. This area is noted as VLDR, very low density residential. One dwelling unit per acre is limited to this designation. The JLUP, Section 3.2, 3-2) does encourage institutional uses that are compatible and complementary to the surrounding neighborhood. These include churches, parks, schools, libraries, daycare centers, etc.

Should you recommend approval, the following conditions are requested to be reviewed, approved, and modified, if needed:

Site Specific Conditions:

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes the planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or the site plan and approved uses becomes null and void.

Standard Site Conditions:

3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

Standard Administrative Conditions:

5. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
6. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. Non-Waiver – Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

- Chair Lucier asked if there were anyone for public comments. There were no public comments.
- Chair Lucier stated this is a well-documented application and doesn't see any problems with it. There was some Board discussion about the application and the Board was all in agreement with this item.

Motion made by Vice-Chair Siverson to approve the consistency statement, second by Mr. Arthur. Chair Lucier completed a roll call vote and the consistency statement passed 9-0, unanimously.

Motion made by Vice-Chair Siverson to approve this item, second by Mr. Arthur. Chair Lucier completed a roll call vote and this item passed 9-0, unanimously.

5. A Legislative public hearing for a request by Scott Pearce of For Garden's Sake, for a map amendment to the Chatham/Cary Joint Land Use Plan for Parcel 62824, being about two acres, located at 9245 NC 751, previous Old Kelly Chapel Church, from Very Low Density Residential, to change to a commercial/retail designation, Williams Township.

Mr. Sullivan stated a public hearing was held on November 16, 2020 to introduce the request and receive public comment. Planning staff provided background information about the joint plan, interlocal agreement and the application. Scott Pearce, owner of For Garden's Sake Nursery, attended the meeting remotely and explained his interest in amending the plan and ultimately seeking a rezoning of the property. There were no other speakers and staff has received no comments from the public.

The property that is the subject of the joint plan amendment request is located adjacent to property that is currently zoned Conditional Use Business (CU-B1), which is the location of For Garden's Sake garden center, landscape company and small event venue. This property is the location of O'Kelly Chapel, which is listed on the Nation Register of Historic Places. Members of the church approached the owners of For Garden's Sake to gauge their interest in purchasing the property in the hopes of having the church used for another use instead of being demolished, and in 2018 the church was decommissioned and ultimately purchased by For Garden's Sake.

Mr. Pearce has had the soils evaluated and they are not suitable for a conventional residential septic system and the property is located at the intersection of NC 751 and O'Kelly Chapel Road. This intersection has been improved by NCDOT several times and will likely need additional upgrades due to increasing traffic associated development by the Towns of Durham and Cary in close proximity to this property. If the joint plan amendment is approved and ultimately a rezoning, the property can be recombined with the adjoining property, which will improve the options for septic service. This is similar to The Parlour, which is located at the intersection of Poythress and Lamont Norwood Roads, and was approved for rezoning in 2014. In that situation the historic Manns Chapel Church was decommissioned by the church members and purchased by the current owners who converted it into office space and an event venue resulting in an upgrade and improvement of the historic property.

Mr. Sullivan stated during the public hearing Mr. Pearce explained that if the plan amendment is approved, he will seek a rezoning of the property and might move the structure closer to the nursery, but not in the location that was originally considered when the conditional use permit for the nursery was approved in 2019. During the hearing Planning Board Chair Lucier asked if the church property would be used as additional access to the nursery. Mr. Pearce responded that the intersection is already dangerous, and he would not consider using that property as additional access to the nursery and that it could be used by landscaping crews returning in the evening only.

Mr. Sullivan stated in closing, consider the request and provide a recommendation to the Board of Commissioners.

- Chair Lucier asked if there were anyone for public comments. There were no public comments.
- Mr. Scott Pearce stated Mr. Sullivan did a good job explaining the intensions and the ultimate goal is to rezone the church property. The church owners approached us several years back and stated they don't have a use for the church. They did purchase the church and there is only one adjoining property owner and they spoke with them and are in favor of what they want to do with the church. The current plan will have the church move a little closer to the garden center and become part of that environment but staying on the 2 acres parcel it sits on now. Their intensions are to do a recombination and make it one big parcel and the church would be used for small events, classes, and small weddings.
- Chair Lucier stated this is a multi-step process, initially get the parcel rezoned to commercial for an event venue, but then recombine into one parcel. Mr. Peace stated that is correct and it is a process because of the Chatham-Cary Joint Plan. Cary has the application on their end and should be ready to go soon. Chair Lucier stated it is great that they want to repurpose the church.
- Mr. Galin stated he agrees with Chair Lucier and knows of another church that was repurposed and has been successful.

Motion made by Mr. Galin to approve this item of the requested amendment, second by Ms. Moose. Chair Lucier completed a roll call vote and this item passed 9-0, unanimously.

X. ORDINANCE TEXT AMENDMENTS:

1. A Legislative public hearing for a request by Vickers Bennett Group, LLC to amend the language in the Zoning Ordinance, Sections 5.2, 7.2, 10.12 to accommodate language for Conditional District Mixed Use Cluster Residential (CD-MU-CR).

Ms. Phelps stated a legislative public hearing was held on August 27, 2020 to consider revisions and/or additions to the Zoning, Subdivision, and Watershed Protection Ordinances. Planning staff presented the request, and the applicants for the Vickers Bennett Group (Antonio McBroom, Wade Barber, Warren Mitchell, Andy Greene, and Mark Ashness) gave a presentation. Multiple comments were made from the public with concerns of septic, setbacks, water quality, and the viability of having up to 2 dwellings per acre.

Commissioner Howard asked who the changes would apply to. The response was that they would only apply to certain areas of the comprehensive plan (this has now been removed). Also, all amendments must interrelate, and the Zoning Ordinance will trump.

Commissioner Dasher asked if single family and multi family could be done. Warren Mitchell responded yes, and Mark Ashness reminded the Board that there would still be a 24% BUA cap.

Chair Lucier provided questions from the Planning Board. They wondered why the existing ordinance is not adequate, what is proposed is similar to a village center but not historic, and there is a setback issue with the rest of the requirements in the Zoning and Subdivision Ordinances. Warren Mitchell responded that the current Mixed-Use section does not allow for single family dwellings, the buffers proposed are 100', and they welcome any discussion in regard to the size and density.

Due to recent networking issues, original notes for the project are unavailable. Once the network is operable, we will distribute the original notes.

Ms. Phelps also stated the Vickers Bennett Group is proposing amendments to Sections 5.2, 7.2, and 10.12.

Section 5.2:

- This section is amended by adding a new district titled CD-MU-CR - Mixed Use Cluster Residential: a mixed-use development that provides for an integration of diverse but compatible uses into a single development that includes a single-family Cluster Residential component.

Section 7.2:

- This section is amended by adding two definitions as follows:
 - Cluster Development - the grouping of buildings in order to conserve land and provide for innovation in the design of the project.
 - Cluster Residential - a cluster development of grouped single family lots.

Section 10.12:

- This section is amended by adding a subsection. The current district, CD-MU Mixed Use, will be identified as section 10.12(a), and a new subsection, CD-MU-CR Mixed Use Cluster Residential, will be identified as section 10.12(b).
 - Much of the current CD-MU section is transferred to the proposed district. The changes include:
 - **A. Purpose** - adding single family cluster residential uses
 - **B. Minimum Size** - gross acreage has a minimum of 50 acres and maximum of 250 acres
 - **C. Maximum Built Upon Area Allowed** - the built upon area for the project shall be no greater than 24% of the total project area
 - **D. Permitted and Required Uses** - adds the term Cluster Residential, adds in Conservation Space and references section 7.8 of the Chatham County Subdivision Regulations (this is the proposed subdivision text amendment), and the non-residential purposes on the site plan shall not exceed the cumulative amount of land designated for residential purposes
 - **E. Cluster Area** - adds Conservation (typo, meant to read Conservation) Space as required by the Subdivision Ordinance, Sec. 7.8
 - **G. Exterior Boundary Setbacks** - adds or where adjacent to a public road right-of-way that is one hundred (100) feet in width or more.

The applicants presented their request at the regularly scheduled November 10, 2020 Planning Board meeting. Staff presented the amendments, and the applicants gave a presentation. From the public hearing and meetings with staff, concerns had been identified and addressed.

- BUA and units per acre calculation overlap
 - Limit the BUA to 24% of the total project area
- Limiting the location based on the Comprehensive Land Use Plan (CP)
 - The CLUP is a policy, not an ordinance. This section was removed by the applicant
- Variance of the setback
 - Provide for a continuous 50' building setback where the boundary fronts on a 100-foot-wide public road right of way
- Section D
 - Open Space is replaced with the term "Conservation Space"
 - At least 20% of the BUA be non-residential, and that non-residential not exceed the residential area and deletes the requirement that one be built before the other
 - Inserting Compact Residential where omitted and deleted a hyphen in Mixed Use

Ms. Phelps stated in closing, the Planning Board has 2 meetings in order to make a recommendation.

- The Planning Board wished to combine the discussion of both the Zoning and Subdivision Text Amendments.
 2. A Legislative public hearing for a request by Vickers Bennett Group, LLC to amend the language in the Subdivision Regulations, Section 7.7, to add MU-CD-CR.

Ms. Phelps stated a legislative public hearing was held on August 27, 2020 to consider revisions and/or additions to the Zoning, Subdivision, and Watershed Protection Ordinances. Planning staff presented the request, and the applicants for the Vickers Bennett Group (Antonio McBroom, Wade Barber, Warren Mitchell, Andy Greene, and Mark Ashness) gave a presentation. Multiple comments were made from the public with concerns of septic, setbacks, water quality, and the viability of having up to 2 dwellings per acre.

Commissioner Howard asked who the changes would apply to. The response was that they would only apply to certain areas of the comprehensive plan (this has now been removed). Also, all amendments must interrelate, and the Zoning Ordinance will trump.

Commissioner Dasher asked if single family and multi family could be done. Warren Mitchell responded yes, and Mark Ashness reminded the Board that there would still be a 24% BUA cap.

Chair Lucier provided questions from the Planning Board. They wondered why the existing ordinance is not adequate, what is proposed is similar to a village center but not historic, and there is a setback issue with the rest of the requirements in the Zoning and Subdivision Ordinances. Warren Mitchell responded that the current Mixed-Use section does not allow for single family dwellings, the buffers proposed are 100', and they welcome any discussion in regard to the size and density.

Due to recent networking issues, original notes for the project are unavailable. Once the network is operable, we will distribute the original notes.

Ms. Phelps also stated the Vickers Bennett Group is proposing to add a section to the Subdivision Ordinance, Section 7.8 Single Family Cluster Subdivision in a CD-MU-CR District. Much of the added section mimics the current conservation subdivision guidelines. The additional information is listed:

- Section 7.8
 - Add “When a single-family Cluster Development project voluntarily preserves Conservation Space in accordance with this Section, it shall comply with the following standards:”
- 7.8 A
 - Add “A minimum of 40 percent of the project area shall be retained as Conservation Space for a conservation subdivision design.”
- 7.8 B
 - Add “minimum of 80% of such Conservation Space shall be Natural Space,”
- 7.8 C
 - Add “At least 50 percent of the proposed Conservation Space shall consist of a contiguous tract.”
- 7.8 F
 - Add “in a Conservation Space Management Plan approved by the County.”
- 7.8 H
 - Add “Conservation Space proposed for a CD-MU-CR project shall be projected in perpetuity by a binding legal document...”
- 7.8 I
 - Add “Density is limited by the Chatham County Watershed Protection Ordinance (Sec. 302) and the Chatham County Zoning Ordinance.”

The applicants presented their request at the regularly scheduled November 10, 2020 Planning Board meeting. Staff presented the amendments, and the applicants gave a presentation. From the public hearing and meetings with staff, concerns had been identified and addressed.

- Built upon area limit and units per acre calculation overlap
 - Limit the BUA to 24% of the total project area
- Limiting the location based on the Comprehensive Plan (CP)
 - The CP is a policy, not an ordinance. This section was removed by the applicant
- Variance of the setback
 - Provide for a continuous 50' building setback where the boundary fronts on a 100-foot-wide public road right of way

- Section D
 - Open Space is replaced with the term “Conservation Space”
 - At least 20% of the BUA be non-residential, and that non-residential not exceed the residential area and deletes the requirement that one be built before the other
 - Inserting Compact Residential where omitted and deleted a hyphen in Mixed Use

Ms. Koblansky had multiple comments and concerns in regard to the impact on existing surrounding communities, the proposal and varied situations across the county to include water and septic availability, how the 24% BUA will be calculated, and a vegetative buffer and what will be allowed within the 100’ setback. Janie Phelps responded to the concerns that could be answered by staff. As far as water and septic, once a project is submitted, this is evaluated. Environmental Health has specific regulations for well and septic requirements. Antonio McBroom also commented that the Vickers Bennett team does not have deaf ears to water and wastewater concerns. There is correspondence with Paul Clark who works for NCDEQ on the density of the proposed amendments and will provide these comments as soon as they are made available. The BUA is for the entire project area. Landscaping requirements are located in Section 12, and only vegetation and signage is allowed within the buffer.

Mr. Esther’s concerns included the absence of geographic restrictions, current regulations (PRD and Conservation Subdivisions) are valid now, the environmental impact of 2 dwelling units per acre, and that the proposed amendments are flawed and do not meet the objectives of Plan Chatham. Janie Phelps stated the applicants could address these concerns.

Chair Lucier asked if the CCO could be amended, and Vice-Chair Siverson asked if the CCO as written could work. Mr. Barber responded that in having discussions with planning staff, they had mentioned that and determined that the CCO was designed for a very large development (exceeding 1,000 acres) like Briar Chapel and amending the CCO to fit developments 250 acres and under would not work. Warren Mitchell stated that there would be too many amendments/variances in order to try to make the CCO work for this size of project.

Jason Sullivan confirmed there would be many waiver requests in order to make the CCO work for smaller developments. The applicants have been advised to look closely at all aspects of the CCO and see what could be transferred into a small mix-use development. The higher residential density request needs to be thoroughly analyzed and compared to what is in the CP and how it relates to different types of mixed-use districts, particularly as we work through the UDO process.

Warren Mitchell summarized the proposal. Currently, the mixed-use zoning does not allow single family dwellings, but surrounding mixed use projects (Farrington, Southern Village, Briar Chapel) do have single family. They adopted conservation subdivision guidelines because the Planning Board, staff and Commissioners approved and liked them. He then addressed specific concerns from citizens. The CP has a medium density zone and low-density zone. With low density, there is still an option of allowing a 10% bonus but chose 2 units per acre because it is low density per the State watershed rules. It is proposed to keep 40% conservation land for the entire project, whereas the existing mixed use does not have a requirement for conservation land. The request to include Light Industrial uses could possibly be removed from the proposal. Mr. Barber stated they want to create policy for a walkable mixed-use community that is desirable by the county and be developed.

Chair Lucier gave an example breakdown for a potential project. 100 acres = 200 single family residences, 40 acres will be open space, 25 acres commercial, and 35 acres would house the 200 single family homes which equates to 6 residences per acre. Mark Ashness explained that conservation area and open space would be intermingled between both mixed use and single-family residential areas.

Jon Spoon made comments that this could be a stop gap with some flexibility prior to developing the UDO, and that it seems as though Briar Chapel excludes small businesses, whereas this proposal would encourage it. Chair Lucier asked if there could be commercial businesses with residences above. Warren Mitchell stated that this is an option.

Allison Weakley had concerns about what would be going into the natural space. Mr. Barber stated there are no current plans to have anything in the conservation space at this time. Ms. Weakley stated she doesn't want to see the already required regulatory stream buffers to satisfy most of the natural space because buffers are required. Warren Mitchell responded that traditional subdivision lots could include streams on lots, and this would be difficult to restrict unless this was in a conservation area. Ms. Hager stated that even if the 40% includes riparian buffer areas, that is still a large amount of conservation space. Ms. Weakly responded that if 40% is the target, if stream buffers, septics, wells, and stormwater management would need to happen anyways, is it really conservation? Ms. Hager agreed. Chair Lucier stated that open and natural space needs to be clearly defined.

Jon Spoon, Chair Lucier, and Jamie Hager favor the concept, but do not want to rush into making a decision. A motion was made by Bill Arthur to table the text amendments until the December 1, 2020 meeting, was seconded by Clyde Frazier, and a 11-0 vote in favor to table the discussion.

Ms. Phelps stated in closing, the Planning Board has 2 meetings in order to make a recommendation.

- Mr. Wade Barber stated he is here with his clients from the Vickers Bennett Group and back in August there was a public hearing on these proposals and listened to the concerns, we had a virtual meeting with staff and revised the proposed text amendment on October 7th. The text amendment attachments were sent to the Board last night with track changes, including notes. At the November 10th meeting there were a lot of questions and comments. We listened carefully to your concerns and questions that were asked by the residents and by the Planning Board. There were 14 different question raised and we as a group has put together responses to those questions in a frequently asked questions document that was provided as well. We also review Ms. Koblansky and Mr. Esther's written comments and made notes addressing their various points and that was provided as a document as well. We hope that these documents are helpful in considering these text amendments and we will be happy to address any questions.

We believe these text amendments offer a standard for creating desirable, responsibly designed mixed-use communities in places where Chatham County would like to see these kinds of neighborhoods. We started with the Chatham County Mixed-Use Conditional Use zoning and added revisions requiring single family homes in a cluster development and dedication of 40% conservation space. There is a strong demand for this type of neighborhood that is conditioned by the Comp Plan one where homes are closer together on smaller lots and walkable to nearby commercial and other uses. We all want to see communities that are well designed and built in a responsible way and that is what we are proposing here. In combining the cluster residential with the commercial and the conservation space will give you the opportunity in one conditional district to work with developer who designs a unified community that includes conservation space.

- Chair Lucier asked if there were anyone for public comments.
- Ms. Alicia Koblansky stated after the November Planning Board meeting, a discussion regarding Chatham County needing additional zoning ordinances to provide for a better mix of commercial with single-family and multifamily residential occurred. While I applaud the Vickers Bennet group for writing their text proposal and initiating this discussion, the text for Zoning and Subdivision amendments, as

written, are too vague and imprecise to provide correct guidance for this type of zoning.

After reviewing similar Mixed-Used development zoning from other counties in NC and similar municipalities across the US, there are fundamental problems with the Vickers Bennet group proposed amendments. For example, it is not clear how the Subdivision or Zoning ordinance would define appropriate zones and densities within the residential mixed-use. The group has presented a figure of a sample development scenario in which they show Mixed-use along a major corridor with cluster single-family residential closest to the existing adjacent properties. However, reviewing the text amendments, there is no description of appropriate zoning. Since mixed-use developments support activity throughout the day and into the night, site design and building orientation is critical to establishing an environment which allows for a diversity of uses with minimal impact on other uses, for example, times for commercial trash pick should not inconvenience residences or vice versa.

To ensure that new residential mixed-use development respects the scale and character of adjacent development, new residential mixed-use development should have densities appropriate to each zone or subarea in the Specific Land Plan use. In the Vickers Bennet text, there is no discussion of mixed use-design standards and permitted uses. For example, a discussion of residential development with commercial provision should be included where the commercial building and uses should be located at a major corridor or public street to prevent the expansion of commercial into single-family residential cluster.

If these amendments pass as is, developers throughout the county would take advantages of the general and vague language to proposed mixed use developments that would not be scaled to existing adjacent neighborhoods with the possibility of commercial being built throughout the mixed-used with some residential on top. These ordinances should include ways to protect established neighborhoods surrounding mixed use centers from incompatible uses, excessive noise, illumination, loss of privacy, and similar significant nuisances.

If a new zoning ordinance for mixed-use is needed by the County before the UDO can be finalized; two more planning board meetings probably won't be enough to full encapsulate everything that needs to be incorporated. Perhaps consider denying the existing proposals and recommending the formation of a subcommittee that would include members of the Watershed Board and ERAC so to define a new Mixed-use Cluster residential. Allow this committee the time to further research the issues that come up with residential scaled Mixed Use with commercial provision.

In the meantime, developers can still use the current CCO and modify to suit, there is evidence of this in the county with Governors Village have a mixed of commercial with residential above. In addition, Mosaic is currently building mixed-use with residential above commercial, gathering some input from Pittsboro Planning board might be helpful. In the end, there shouldn't be a rush to get these text amendments approved since there are so many issues with them. Thank you for your time and consideration.

- Chair Lucier stated he is having a hard time understanding why the current Compact Community Ordinance won't work with the use of waivers. Have you gone through the CCO to see how many waivers would be needed and what would they be to allow you to use the CCO? Chair Lucier stated he read through the CCO in the last couple weeks and it look like a lot of what you are trying to do is in the CCO and maybe we don't need the changes that you are proposing to accommodate the type of development you would like to have in the Vickers Bennett area.

Mr. Mitchell stated the CCO was written for Briar Chapel, so it has a boundary associated with it and about half of our property is in that boundary and felt like mixed-use was needed for Chatham that

didn't only cover that boundary area and was more versatile because it moves beyond the Briar Chapel sphere. We have not put a list together for all the waivers, but there is another development trying to do something like this and the number of waivers they will need should be a pretty good indication. We are not doing this just for our project, but for other projects that are not within the Briar Chapel boundary.

- Chair Lucier stated the CCO was not just written for Briar Chapel, myself and Vice-Chair Siverson were involved in writing it and it was located around the Briar Chapel boundaries, but with the recognition it could be applied elsewhere and add those locations to it as an amendment to the ordinance. It has all the elements you are looking for and there is not a minimum size, but there is a maximum size. Mr. Mitchell stated there is not a downside in looking at a mixed-use that covers a lot of the what the CCO covers and maybe does a better job for small projects. There is going to be the same issues when there are a dozen waivers that will need to be approved, as we are discussing this mixed-use this is a benefit to take the existing mixed-use and add single family, that is really all we are doing to the amendment.
- Mr. Barber stated the proposal is fairly simple, straight forward, and incorporating existing policies, what is the issue with the proposed text amendments? Chair Lucier stated the intent is to look at all of these different issues while working on the UDO and he agrees with Ms. Koblansky if we move too fast into something you can create more problems than what you are trying to solve. The interactions among the ordinances are complicated and that is why it is going to take a while the UDO to accommodate what you want to do, and it is understood that your issue is one of timing. Mr. Barber stated it is timing and the County should have an interest in developments going on and on, a lot have happened in Chatham in the last three years since the Comp Plan was adopted.

Mr. Barber stated his clients could use the mixed-use ordinance to complete the commercial part of the project and the subdivision ordinance for the residential part, but my clients and the County would not have the advantage to have one unified plan that would come in under one site plan and gives a lot of control over what happens. We need the UDO, but we don't have it and that is not an option right now and the Comp Plan as you know, recommends medium size, walkable development community and that is not in place in the County. The CCO can get there, but to take this blend of existing ordinances seems to be an easier way to get there.

Mr. Barber asked Mr. Sullivan about his thoughts on the best way to accomplish this. Mr. Sullivan stated this will be what we will accomplish through the UDO and figure out how to reconfigure the mixed-use district and the CCO and come up with different types of mixed-use districts. Mr. Barber asked how this could be accomplished under the existing ordinances in place. Mr. Sullivan stated there are two options, the mixed-use district that does not allow the single family or a compact community option. There is an applicant now working through the CCO process and has indicated there will not be a lot of waiver requests, we will find out once the application is fully submitted.

- Mr. Spoon asked if we approve this text amendment, everyone will still have to submit their plan and the Board can address design aspects of those plans at that time. Mr. Sullivan stated it is still a conditional district, so any submittal would have to be submitted with a full application, community meeting process, and all the normal processes we have for a normal rezoning. It is not clear on the amount of flexibility the Board would have on certain aspects of layouts in design because there are not any performance standards attached to the regulations, so it would be more like a negotiation with the developer.
- Mr. Mitchell stated the Planning Board and Commissioners pushed to the Conservation Subdivision to have that flexibility for subdivisions and if we would have waited for the UDO on that tool, the County

would have missed out on a lot of conservation land that has been dedicated. The same argument is do we just wait for the UDO and miss out on the ability to have the flexibility of smaller mixed-use in the County. Vice-Chair Siverson stated there is no question that this is a desirable type of development, but the absence of performance standards and the kind of detail and consideration that was put into the CCO is something that can't be achieved in three Planning Board meetings. So maybe we don't wait until the UDO, but maybe we decide to look at this closer with time to discuss this in full.

- Mr. Arthur stated he agrees with the Chair and Vice-Chair and wonders why they can't work within the parameters of the CCO. He is in agreement that mixed-use is desirable and needed and is all for it, but it needs to be looked at carefully and not rushed. Ms. Moose stated she feels the same way, she is all for the concept of mixed-use, but has pause of rewriting the ordinance which a lot of thought and care went into developing them and it seems like we are going to rewrite them on the experience of one project, which is important, but feel like we need a broader look at needs.
- Mr. McBroom thanked the Planning Board for their feedback. When they began this project, they thought maybe they could use the CCO, but on the first two pages there was already a need for waivers. As we continued to work through the options, we saw a need for the County. While talking with the staff and looking at the mixed-use ordinance and CCO we really thought we were exercising a degree of servant leadership and paused the project for about a year and a half and have taken on a great deal of cost and getting key stakeholders thinking about this text amendment process. What we have in front of the Board is a culmination of a lot of ideas, thoughts, and consideration by very experienced people as it relates to ordinances and land use. We really wanted to put something in place we could all be proud of as a stop gap before the UDO.
- Mr. Ashness stated there is a project in Apex called Sweetwater on 25 acres of mixed-use with 5 story buildings, grocery, then it imminently transitions into townhomes and then single-family homes. The overlay was pretty simple, and the proof was when we submitted the plans to Apex. The zoning category we are trying to create right now does have benefit for not being very detailed and it does have performance standards because it matches up to the mixed-use district and also matches up to the Conservation Subdivision requirements of open space. The real proof will be when someone shows up with a specific plan and if that plan isn't right, there is no guarantee the County will approve that plan, that will put the performance on the applicant. All we are trying to do is seek an overlay district that will allow us to come in with a specific plan that will have to be acceptable to the County. All the criteria we are using in this text amendment is already accepted criteria in the ordinances today.
- Mr. Sullivan stated with the proposed text amendment there is a 24% built upon area cap which means there is 76% open space or set aside, then 40% conservation space requirement. What do you envision happening with the balance of the 76% of the property that can't be used for built upon area? Mr. Ashness stated they have done some trial layouts and it means the lots are pretty small to make that work with about 6 or 7 homes per acre. The remaining balance of the 76% will be green space and landscape areas. Mr. Sullivan asked if that is where septic areas would go. Mr. Ashness stated that is possible, but that kind of acreage wouldn't support it all.
- Mr. Frazier stated he agrees with what Ms. Weakley stated last meeting and is uneasy allowing the conservation space to include riparian buffers and floodplains. The idea that someone could get a piece of swampy land and set aside the land they couldn't build on anyway and increase the density of the remaining property makes me uneasy. Mr. Frazier also raised concern on the proposed text amendments in section D and section E with the percentage of the built upon area. There was some discussion on the language and the different percentages of allowable areas. It was agreed that the home will be very close together. Mr. Frazier stated he is worried we may be permitting something that

is not what the applicant intends and not what we realize at this time and as projects come through the Planning Board and once, we approve the ordinance, if somebody meets all the standards there is a pretty strong feeling, they should be allowed to do it. We have to be careful on how we write this.

- Mr. Spoon stated he appreciates the discussion and the presentation and thinks the applicants have brought up very interesting points. This is a something we need to be talking about because we don't know the timeline for the UDO which will solve all of these problems in its completion, but we need to figure out if we want to open up this kind of development to small business. He understands Mr. Frazier's apprehension and he was also ready the text amendments and trying to come up with all of the ways it could go wrong. As a Board we will still be able to see all of the projects, with community meeting input and have input of the design aspect. If there are Board members who feel this needs to be more robust, maybe we can look at that and figure out how we can work towards that in the next month, but this is an important opportunity and the applicants have really looked at what our county needs and would like to keep an open mind with it.

Chair Lucier stated the idea of mixed-use is something we need to think about and carefully plan it, the problem we are having with it is the Board is forced to do it within three meetings and it is a complex issue. When projects come in and they are consistent with the ordinances and regulations the argument always is they are following the regulations. When the amendments are this complicated it is risky to try and get it done in three meeting with a lot of other items on the agenda as well. It is hard to get our heads wrapped around it and maybe what we need is a subcommittee that looks at it and comes back to present it to the Board. Ms. Hager stated it is challenging to bounce around in the documents and pick apart where we are comfortable and were, we are uncomfortable. With only three meetings there is not an organized way to complete this to feel comfortable at all. If there was an organized way to break this down and discuss we might be able to work through this.

- Chair Lucier stated a subcommittee will have a single task and they can focus on it very well with other inputs other than just the Planning Board and generally it works very well. The other option is to have a special meeting and everyone on the Planning Board come prepared to discuss and we get through it in an analytical way. Mr. Spoon stated he is in favor of a special meeting and to be prepared for it. There was some Board discussion on the different options between a subcommittee, special meeting, or make a recommendation on the third meeting like a normal.
- It was discussed in length between the Board and the applicant and the Planning Board scheduled a special meeting to be held December 15, 2020 at 6pm to discuss both the zoning and subdivision text amendments proposed by Vickers Bennett Group.
- Mr. Barber asked the Planning Board to provide questions and concerns the Board may have so they are as prepared as possible for the special meeting. It was asked that the questions and concerns to be directed through the Planning staff. Mr. Sullivan asked the Planning Board members to look through the Comp Plan and look at the sections that talks about the different node designations and the mixed-use districts to help form the discussions as you are evaluating the text amendments.
- Ms. Moose asked for any new documents to be provided with enough time to process the information.

It was agreed to table both the zoning and subdivision ordinance text amendments until the Planning Board Special Meeting December 15th at 6pm.

XI. NEW BUSINESS:

XII. BOARD MEMBERS ITEMS:

Update from the Planning Board liaisons.

- Chair Lucier stated he did not attend the Pittsboro Planning Board meeting for December. The ERAC meeting tabled the Vickers Bennett Watershed text amendment as well.
- Vice-Chair Siverson did not attend the Siler City Planning Board meeting. The Well subcommittee has had some presentations and discussion. January will have the Utilities director and Environment Health director.
- Ms. Moose stated the Agriculture Advisory Board did not have a meeting for November and December.

XIII. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. UDO Update
2. County network update

XIV. ADJOURNMENT:

There being no further business, the meeting adjourned at 11:04 p.m.

Signed: _____ / _____
George Lucier, Chair Date

Attest: _____ / _____
Daniel Garrett, Clerk to the Board Date